

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY DIVISION**

CATHY L. HAGER, on behalf of herself and	)	
all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	Civ. Action No. 5:19-cv-00484
v.	)	
	)	
OMNICARE, INC.,	)	
	)	
Defendant.	)	
	)	
	)	

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**DEFENDANT’S MOTION TO STRIKE THE NOTICE OF CONSENT FILED BY  
EUGENE MESSICK AND TO DISMISS HIM WITHOUT PREJUDICE**

By and through undersigned counsel, Defendant Omnicare, Inc. moves to strike Eugene Messick’s Notice of Consent to Join and Authorization to Represent (“Notice of Consent”) (Dkt. No. 34-1), and dismiss him without prejudice from this action for lack of personal jurisdiction and improper venue. Defendant submits the accompanying Memorandum of Law in Support of its Motion.

DATED: January 24, 2020

Respectfully submitted,

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*Counsel for Defendant Omnicare, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2020, I caused to be served a true copy of  
**DEFENDANT’S MOTION TO STRIKE THE NOTICE OF CONSENT FILED BY  
EUGENE MESSICK AND TO DISMISS HIM WITHOUT PREJUDICE** by electronic  
means (ECF) on:

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